

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MORLYNE YOUNG,

Plaintiff,

v.

LVNV FUNDING LLC,

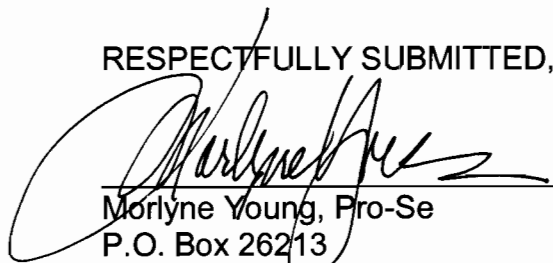
Defendant.

Case No. 4:12-cv-01180AGF

PLAINTIFF'S PROPOSED JURY INSTRUCTIONS

COMES NOW, Plaintiff, and for his jury instructions hereby incorporates Defendant's Proposed Instructions 1-16 into this set of instructions. Plaintiff has included additional proposed instructions.

RESPECTFULLY SUBMITTED,


Morlyne Young, Pro-Se
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St. Louis, MO 63136
Phone: (314) 869-0799

INSTRUCTION NO. 1

The Fair Credit Reporting Act requires that a company such as LVNV Funding LLC must follow reasonable procedures to assure maximum possible accuracy regarding information contained in a consumer's insurance claim history report.

In order to prevail on a claim of noncompliance with this requirement, Mr. Young must prove each of the following elements:

- (1) Inaccurate information was included on his credit report; and
- (2) The inaccuracy was due to the failure to follow reasonable procedures to assure maximum possible accuracy; and
- (3) Mr. Young suffered injury; and
- (4) Mr. Young's injury was caused by the inclusion of the inaccurate entry.

If you find each of the above elements present, you should enter a verdict for Mr. Young on Question No. 1 on the Verdict Form. If you fail to find any one, you should enter a verdict for LVNV Funding LLC on Question No. 1 on the Verdict Form.

"Reasonable care or reasonable procedures," as used in this Instruction, means such care as the jury would expect an ordinarily prudent company to exercise under similar circumstances. The lack of reasonable care therefore can mean the failure to do something which a reasonably prudent consumer reporting agency would do, or the doing of something which a reasonably prudent consumer reporting agency would not do under the circumstances which you find existed in this case. A company does violate its duty of reasonable care if it fails to follow reasonable procedures to assure maximum possible accuracy.

It is for you to decide what a reasonably careful company would do or not do under the facts of this case.

Turn to Instruction No. 2.

INSTRUCTION NO. 2

If you find for Mr. Young on Question No. 1, you may award compensatory damages to Mr. Young only for injuries caused by LVNV Funding LLC's failure to exercise reasonable care. You may award Mr. Young compensatory damages for injuries caused by LVNV Funding LLC.

In awarding compensatory damages, if you decide to award them, you must be guided by dispassionate common sense. Computing damages may be difficult, but you must not let that difficulty lead you to engage in arbitrary guesswork. On the other hand, the law does not require a plaintiff to prove the amount of his losses with mathematical precision, but only with as much definiteness and accuracy as the circumstances permit.

Please enter the amount of your verdict for compensatory damages in Question No. 3 on the Verdict Form.

INSTRUCTION NO. 3

Regardless of whether you found for Mr. Young under Instruction No. 1, if you find from the evidence that LVNV Funding LLC willfully failed to follow reasonable care to assure maximum possible accuracy of the information contained in his credit report or willfully failed to follow reasonable procedures in conducting a reinvestigation, then you should find in favor of Mr. Young on Question No. 4 of the Verdict Form.

For the purposes of this instruction, “willfully,” means knowingly and intentionally committing an act in conscious disregard for the rights of others. Malice and evil motive are not required to make a finding that LVNV Funding LLC willfully failed to follow reasonable procedures.

Please enter your verdict on Question No. 3 of the Verdict Form.

INSTRUCTION NO. 4

If you have found for Mr. Young, under Question No. 3, you may in addition to any damages awarded by your response to Question No. 2, award him punitive damages.

The awarding of punitive damages is within your discretion. You are not required to award them. Punitive damages are appropriate only if you believe LVNV was willfully noncompliant. This covers “knowing” as well as “reckless” violations of the FCRA. Reckless conduct includes actions that entail an unjustifiably high risk of harm that is either known or so obvious that it should be known.

If you decide to award punitive damages, you must use sound reason in setting the amount; it must not reflect bias or sympathy toward any party. But the amount can be as large as you believe necessary to fulfill the purpose of punitive damages.

Please enter your verdict of punitive damages, if any, in Question 4 of the Verdict Form.

Any verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agree. Your verdict must be unanimous.

It is your duty as jurors, to consult with one another, and to deliberate with a view to reach an agreement, if you can do so without violence to individual judgment. You must each decide the case for yourself, but only after an impartial consideration of the evidence in the case with your fellow jurors. In the course of your deliberations, do not hesitate to reexamine your own views and change your opinion, if convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of the evidence, solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

Upon retiring to the jury room, you will select one of your number to act as your foreperson. The foreperson will preside over your deliberations and will be your spokesperson here in Court. A verdict form has been prepared for your convenience. You will take this form to the jury room and, when you have reached unanimous agreement as to your verdict, you will have your foreperson fill in, date and sign the verdict upon which you unanimously agree with respect to each issue in this case; you will then return with your verdict to the courtroom.

CERTIFICATION

The below signature certifies that a copy of Plaintiff's Proposed Jury Instructions was sent via U.S. mail to the following counsel of record on January 2, 2014.

SPENCER FANE BRITT & BROWNE LLP

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A handwritten signature in black ink, appearing to read "Joshua C. Dickinson", written over a horizontal line.